

REMARKS

This Amendment is in response to the Office Action dated January 27, 2004. In the Office Action, claims 1-8 were rejected. With this Amendment, claims 1-8 are amended and claims 9-14 are added. A Petition to Revive is also filed along with this Amendment.

On page two of the Office Action, the Specification was objected to because of informality. Accordingly, the Specification has been amended.

On page two of the Office Action, claims 1-5 were objected to as having informalities. Accordingly, claims 1-5 have been substantially rewritten. On page four, claims 6-8 were objected to as having informalities. Accordingly, claims 6-8 have been substantially rewritten. Therefore, Applicant submits that the claims are in proper form.

On page five of the Office Action, claims 1 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marmor et al. (US 2002/0062310) in view of Clare (US 5,745,036). On page six of the Office Action, the Examiner stated that Marmor et al. does not “expressly disclose a host system for processing, storing and communicating data between a plurality of subscriber systems and a plurality of in-store systems, although each of the plurality of peer-to-peer computers involved in Marmor’s system can be considered to be such a host.” The Examiner further stated that Clare teaches a host system.

It is respectfully submitted that the cited references fail to teach or suggest “a host system, operably connected to the in-store systems and the subscriber systems, for processing, storing, and communicating data between the plurality of subscriber systems and a plurality of in-store systems” as recited in amended claim 1. Specifically, neither Marmor et al. nor Clare disclose a host system as claimed in claim 1. Clare discloses a headquarters that receives POS data from a store and updates its inventory database. Clare also discloses a distribution center that transmits the latest inventory information regarding new articles that are arriving to the headquarters. The headquarters does not process, store and communicate data between a plurality of subscriber systems that form requests for data and a plurality of in-store systems. The headquarters is limited to receiving POS data to update inventory records and to receive new article data to update inventory records.

With respect to the Examiner's assertion that each of the peer-to-peer computers involved in the Marmor et al system can be considered to be a host, the Examiner has not pointed to any reference which would explain the reason why a host system would be useful in such a peer-to-peer network. It is submitted that this would defeat the advantages gained by using a peer-to-peer system. It is thus respectfully submitted that claim 1 is in condition for allowance.

Claim 3 is allowable over the cited references as depending on allowable claim 1. However, claim 3 is also independently allowable because the cited references fail to teach or suggest the elements of claim 3 when read in their entirety. On page six of the Office Action, the Examiner stated that Marmor et al. does not expressly disclose a memory database used to store merchant identification data, sales transaction data and inventory control data. The Examiner further stated that Clare teaches a memory database used to store merchant identification data, sales transaction data and inventory control data. Claim 3 clearly recites that a memory database is included in the in-store system. Clare does not teach or suggest a database, such as that claimed, included in an in-store system. Although FIG. 1 of Clare illustrates a database in both the distribution center and the headquarters, no database is illustrated or disclosed in the store. It is thus respectfully submitted that claim 3 is in condition for allowance.

On page seven of the Office Action, claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Marmor et al. in view of Clare and further in view of Microsoft Press Computer Dictionary. It is respectfully submitted that claim 2 is allowable over the cited references as depending on allowable claim 1.

On page seven of the Office Action, claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Marmor et al. in view of Clare and further in view of Call (US 6,418,441). It is respectfully submitted that claim 4 is allowable over the cited references as depending on allowable claim 1.

On page nine of the Office Action, claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Marmor et al. in view of Clare and further in view of Mhoon (US 6,477,578). It is respectfully submitted that claim 5 is allowable over the cited references as depending on allowable claim 1. However, claim 5 is also independently allowable because the cited references

fail to teach or suggest the elements of claim 5 when read in their entirety. As discussed above in connection with claim 1, Marmor et al. and Clare do not teach or suggest a host system as claimed. Therefore, the cited references fail to teach or suggest a host system that includes a database used to store inventory data, merchant identification data and merchant network address data as claimed in claim 5. In addition, the cited references fail to teach or suggest a host system communicator used to receive and transmit real-time data between a plurality of merchants and a plurality of consumers and a data distributor used to process data requests from the subscriber system.

On page ten of the Office Action, claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marmor et al. in view of Clare. For the same reasons as in the above-discussion related to claim 1, the cited references fail to teach or suggest “indexing and storing current inventory data, merchant identification data, and merchant network address data using a host system database at the host system; processing requests for inventory data with a data distributor in the host system...in response to receiving a request... from the subscriber system; and transmitting a response to said subscriber system” as claimed in amended claim 6. The Examiner pointed to Clare as disclosing such a host system. However, the headquarters of Clare is limited to receiving POS data to update inventory records and to receive new article data to update inventory records. The combination of references does not teach or suggest providing the host system as claimed in claim 6. Nor does the combination of cited references teach or suggest a data distributor in the host system that receives inventory data and processes requests for inventory data. In addition, the Examiner has not pointed to any reference, which would explain the reason why a host system would be useful in such a peer-to-peer network. It is thus respectfully submitted that claim 6 is allowable over the cited references. Claim 7 is allowable over the cited references as depending on allowable base claim 6.

On page twelve of the Office Action, claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Marmor et al. in view of Clare and further in view of Mhoon. On page twelve of the Office Action, the Examiner stated that Marmor et al. does not expressly provide a triggering means that causes the in-store system to transmit current inventory data and merchant

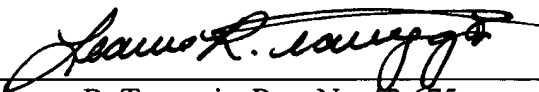
identification data to a host system. The Examiner further stated that Clare, however, teaches doing so. It is respectfully submitted that claim 8 is allowable over the cited references as depending on allowable claim 6. However, the cited references also fail to teach "a triggering means that causes said in-store system to transmit current inventory data, merchant identification data and merchant network address data to said host system. Column 3, lines 62-65 of Clare describes a POS system as sending information regarding article transactions to the headquarters. Clare fails to teach or suggest transmitting merchant identification data and merchant network address data to a host system. It is also respectfully pointed out that Marmor et al. specifically states that information regarding IP addresses need not be known. See paragraph 40. Therefore, it is submitted that claim 8 is independently allowable over the cited references.

In conclusion, it is respectfully submitted that in light of the above remarks, claims 1-8 are patentable over the cited references. In addition, new claims 9-14 are believed to be allowable over the cited references as well. Reconsideration and allowance of claims 1-14 are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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